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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ROBERT LORENZA CREWS,

CASE NO. C24-5714 BHS

9 Petitioner,

ORDER

10 v.

11 JEFFEREY PERKINS,

12 Respondent.

13 THIS MATTER is before the Court on pro se petitioner Crews's motion for leave  
14 to appeal *in forma pauperis*, Dkt. 20. Crews initially sought to proceed *in forma pauperis*,  
15 Dkt. 1, but paid the filing fee two weeks later. The Court adopted Magistrate Judge  
16 Fricke's R&R and dismissed Crews' § 2254 habeas petition as untimely. Dkt. 17. Crews  
17 appealed, and now seeks permission to do so *in forma pauperis*. Dkt. 20.

18 His motion asserts that an affidavit in support of his application is attached to his  
19 motion, Dkt. 20 at 1, but no such affidavit is attached. His initial application included a  
20 prison trust account showing an average spendable balance of \$279.58. Dkt. 1 at 6.

21 Even if Crews is indigent, *in forma pauperis* status also requires the petitioner to  
22 state a plausible claim, or make a showing that there is some potential merit to the appeal.

1 *See* 28 U.S.C. § 1915(a)(3) (an appeal may not be taken *in forma pauperis* if the trial  
2 court certifies in writing that it is not taken in good faith.).

3 The Court cannot conclude that Crews's appeal is taken in good faith because it  
4 does not have merit. *See* R&R, Dkt. 15, explaining why Crews's petition is untimely.

5 Crews's motion to appeal *in forma pauperis*, Dkt. 20, is **DENIED**. The case  
6 remains closed.

7 **IT IS SO ORDERED.**

8 Dated this 26th day of February, 2025.

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BENJAMIN H. SETTLE  
United States District Judge